

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, SEPTEMBER 15, 2005
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Trish Owen, Chief Deputy County Clerk
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, SEPTEMBER 1, 2005 AND TUESDAY, SEPTEMBER 6, 2005

MOTION: Heier moved and Workman seconded approval of both sets of Staff Meeting minutes. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. NACo Replacement Meeting
- B. Recognition of Backhoe Operator
- C. Waverly Meeting Request
- D. United Way
- E. NACo Audit
- F. Media Day with Lincoln Fire & Rescue

MOTION: Heier moved and Stevens seconded approval of the additions to the agenda. Heier, Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. NACo Replacement Meeting

Eagan indicated the NACo Annual Meeting is on October 13th and the Management Team Retreat is on October 20th. He said a staff meeting will be scheduled before or after the regular Board meeting on October 11th and October 18th.

B. Recognition of Backhoe Operator

Hudkins reported there was a skillful Backhoe Operator from Public Works that helped out with the repairs of the water line break at the Hall of Justice and should be recognized at a Tuesday Board meeting.

MOTION: Hudkins moved and Schorr seconded to invite any employee that helped with the water line break to a Tuesday Board meeting to recognize them for their services. Workman, Heier, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

C. Waverly Meeting Request

Workman wanted to inform the Board that he received a call from Doug Rix, Waverly City Clerk, who would like to meet with him regarding the East Beltway and the wheel tax proposal.

D. United Way

Schorr reported the participation rate at the County level is only 23% and she would like to see an improvement.

Each Board member donated \$20 for 2 gift certificates to boost participation in the United Way.

E. NACo Audit

Schorr noted her concern about NACo not releasing the audit and said she would speak with Larry Dix about getting it.

F. Media Day with Lincoln Fire & Rescue

Stevens reported he attended Media Day with Lincoln Fire & Rescue and recommended to the Board to attend the Media Day in the future. Stevens briefly told the Board how they got to extinguish a fire and wear the gear among other things.

3 ECONOMIC IMPACT STATEMENT ON PHASE II OF THE AGRICULTURAL EVENTS CENTER - Dr. Ernie Goss; Alan Wood, Attorney for Agricultural Society

Dr. Ernie Goss appeared and distributed documentation regarding the Economic Impact of Phase 2 of the Lancaster Events Center Construction and Operations on the Area Economy (Exhibit A) and gave a brief presentation on the economic impacts. He said the impact of Phase 2 will have significant positive impacts by adding 252 jobs, self-employment income of \$1.2 million, \$7.3 million in wages and salaries and a total sales or output impact of \$28.8 million. Goss said the impacts are based on attracting 12 additional regional/national events to the area in which organizer, exhibitors and attendees will spend between \$65.5 million and \$106 million in 2007 in Lancaster County.

Workman asked if the presentation was going to be given to the committee that is working on the location of the expansion.

Alan Wood, Attorney for Agricultural Society, appeared and said he offered the information to the Mayor's Task Force and he believes it is important for them to hear it.

Workman asked for a brief example of tax income from other properties.

Goss said new businesses will be developed in the City as a result of the LEC expansion like commercial development on Havelock Avenue or on 84th Street.

Schorr asked about the 12 regional shows and if Lincoln would really be able to get some of the top shows.

Wayne Venter, Managing Director of the LEC, appeared and indicated some of the events will probably never come to Lincoln because they are funded and locked in by their communities, but some of the other places, like the National 4-H, may decide to come to Lincoln.

Workman asked about the seating capacity and if it is enough.

Venter said most of the events don't use seating or need that much seating capacity like tractor pulls, rodeos and monster trucks.

Stevens said he doubts any national organization is going to commit to coming to Lincoln in 2007 to a facility, restaurant or hotel that doesn't exist yet. He also doesn't believe that a non-local radio station will come to Lincoln to have any type of event or that the Minnesota Horse Expo, since it is from Minnesota, will come to Nebraska.

Wood noted that Marvin Krout advised him that the Planning Department is going to remove its objection to the change to commercial classification at 84th and Havelock Avenue. Wood also said they had contracted for a business plan which is due to be completed by October 1st.

4 COUNTY ECONOMIC DEVELOPMENT UPDATE - Troy Gagner, Economic Development Coordinator

Troy Gagner, Economic Development Coordinator, appeared and indicated he has received all of the agreements back from Tractor Supply and they will go Tuesday's agenda.

Kristy Mundt, Deputy County Attorney, appeared and said originally Tractor Supply implied there would be 94 jobs created and instead they proposed 20 or 30. She indicated the State was not very happy with the number and they all agreed to 50 new employees.

Darl Naumann, Economic Development Coordinator, appeared and reported they are working on a project in Hallam, Nebraska regarding 3 dairy producers that are combining into a dairy processing plant. He said they may need to come to the County Board for approval of a Community Development Block Grant for \$250,000, which will more than likely come from the State.

Gagner said he talked with the management at Weaver's who believes their monthly sales will double in a years time. He believes Weaver's will hopefully be back on track so they can start collecting the payments from them again.

Heier asked about the lady in Panama.

Gagner said they have been trying to make contact with her, but have been missing each others calls. He also noted that KIMCO declared bankruptcy and the County is receiving a small amount from the bankruptcy and U.S. Foods and LinCo are paying on time.

5 SUPERVISION OF FELONY II'S BY COMMUNITY CORRECTIONS - Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, appeared and distributed documentation regarding the Community Corrections Programs (Exhibit B). She indicated they have been screening approximately 475 defendants per month and roughly 85% of them that have been approved for the Public Defender's office.

Heier asked about the 17% that was not approved and if they could have been approved if the Judges would have asked about their income. He wondered if the screening process was working.

Etherton said if the screeners aren't in the courtroom, she gets a telephone call from the Judges wondering where they are at. She believes there is a little more consistency with the way the defendants are being assigned to the Public Defender's office.

Workman asked Etherton if they have been getting more approvals because the Public Defender is overloaded with cases and is looking at hiring another Attorney.

Etherton believes they are seeing a lot more people that are going through the system.

Schorr asked Etherton if one of her staff could look into the number of approved defendants that were screened.

Etherton indicated there have been some Felony II individuals placed in the program, three of them were referred by a Judge and two of those three were robberies. She said the County Attorney is very adamant about not putting violent Felony II cases into the program, however the County Board should make the determination if Class II Felony cases are eligible or not. Etherton noted she received an opinion from the District Court Judges saying they would not automatically make all Class II Felony cases ineligible.

Heier noted there are a lot of people in jail who are III's and IV's that are not a threat to society. He wondered why those people aren't being worked into the program.

Etherton said the definition of a violent offender is very broad and she has some suggestions as to what is and isn't acceptable. She said if a Judge contacted her and asked that a defendant be placed in the program, she believes the Judge understands the facts of the case and is willing to make that decision.

MOTION: Workman moved and Schorr seconded to consider Felony II cases only upon request from the presiding Judge.

Schorr noted she would like an update in a few months regarding the number of approved defendants that were screened.

ROLL CALL: Schorr, Hudkins, Stevens and Workman voted aye. Heier voted no.
Motion carried.

Stevens agreed to be a direct contact for Etherton in case she has any concerns or questions.

6 ETHANOL UPDATE - Don Thomas, County Engineer

Don Thomas, County Engineer, appeared and reported he has one tank wagon that is 2,000 gallons and has 4 compartments that hold 400 to 500 gallons of either diesel or gasoline. He said in the gas storage facilities there are 2 tanks, a 10,000 gallon and a 6,000 gallon and there are 3,000 gallon tanks at Waverly, Roca and Sprague. Thomas said the transport delivers to the shop and there is no delivery charge and in the past they have been comparing the price of gasoline, plus the delivery charge.

Hudkins noted there was a question whether they could pick up 10% Ethanol blend at the terminal with the smaller tank wagon truck.

Thomas said they could get it from Sapp Brothers, who would load the 2,000 tanker, but they would charge 8 cents a gallon just as if they were delivering it. He said if they drove to their facility they wouldn't charge a delivery charge of 8 cents.

Heier noted Whitehead Oil is going to have Ethanol on-site beginning tomorrow.

Thomas also noted last year there were 25,000 gallons of regular gasoline used at all three district offices and 125,000 gallons used at the main shop.

Hudkins asked if regular and E10 can be mixed.

Thomas said they can be mixed and he would be willing to try E10 Blended Gasoline.

MOTION: Schorr moved and Workman seconded to authorize the County Engineer to purchase the cheapest fuel available at the time the order is placed. Stevens, Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

Thomas said he will keep a log of the purchases and the price the day of the purchase.

7 PUBLIC DEFENDER CASELOAD - Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, appeared and distributed documentation regarding a caseload comparison of August, 2004 to August, 2005 (Exhibit C) and he noted a 13% increase of felony cases compared to last year. Keefe said the major cases are theft, manslaughter and are considered Class I, Class II types are violent and sex cases, Class III's are also sex and violent cases and Class IV's are drug cases, driving under suspended licenses and DWI's. He said last year they had 465 cases pending and this year they are at 599 for a 29% increase. Keefe noted the CI Misdemeanors are filed by the City Attorney's office under the Lincoln municipal code and the CO Misdemeanors are County Attorney filed misdemeanors or misdemeanors filed by the Law School's Prosecution Clinic. He said last year there were 583 cases pending in that category and now there are 847.

Keefe said the number of felony cases have not gone up significantly with only a 1.7% increase, however the number of cases assigned to his office has gone up 7.4%. He said in 1997 his office was appointed to 70.4% of the filings that were filed in County Court and this year they are at 87%. Keefe noted a defendant is indigent if they cannot afford to hire a private attorney and provide the necessities of life to ones self or their family. He believes some of the cases are being assigned counsel when maybe they don't need it.

Keefe said it was approved in his budget to hire another Attorney that would start June 1, 2006 learning how to do child support and paternity cases and then take over on July 1, 2006 when the contract ends. He is suggesting that he hire that Attorney starting November 1, 2005 or as soon as possible, which would be an additional \$24,000.

Workman said maybe the screening process should be eliminated to see if the caseload drops back to 70%.

MOTION: Heier moved and Stevens seconded to authorize the Public Defender to hire another Attorney as soon as possible. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

8 BLUE CROSS BLUE SHIELD ADMINISTRATIVE CONTRACT - Tom Fox, Deputy County Attorney; Bill Kostner, City Risk Manager

Tom Fox, Deputy County Attorney, appeared and reported the Blue Cross Blue Shield Health contract is ready to go on Tuesday's agenda for approval and the contract will go into effect January 1, 2006.

Bill Kostner, City Risk Manager, appeared and indicated open enrollment for County employees will be around October 9, 2005.

9 (A) CLAIMS RUN OUT PROPOSALS, AND (B) MEDICARE PART D CERTIFICATIONS OF CREDITABLE COVERAGE - Bill Kostner, City Risk Manager; Daryl Bell, Milliman U.S.A.

Daryl Bell, Milliman U.S.A., appeared and distributed documentation regarding the cost for administering run-out claims (Exhibit D). He said one proposal is for \$176,936 and includes 12 months of runout processing and the second proposal is for \$132,702 and includes 6 months of runout processing. Milliman suggested using the 12 month proposal because most claims are paid in 12 months.

The Board directed Milliman to proceed with the 12 month proposal.

Milliman distributed documentation regarding the Pharmacy Plans Tested for Creditable Coverage (Exhibit E) and indicated Medicare Part B is the new Federal Government's Medicare Prescription Drug Benefit which will go into effect January 1, 2006. Milliman said the County needs to notify their Medicare eligible planned participants that the County's plan is as good or better than Medicare Part B so that the employee can make an informed decision whether or not they want to enroll in that program.

Kostner noted there are about 35 active employees over the age of 65 that could be covered by the Medicare Part B plan.

Milliman said he can send out a letter to the employees telling them about the coverage for \$1,500.

The Board agreed to have Personnel send out the letter to the Medicare eligible employees after the County Attorney has looked it over.

10 EXECUTIVE SESSION (POTENTIAL LITIGATION) - Terry Wagner, County Sheriff; Tom Fox, Deputy County Attorney

MOTION: Schorr moved and Heier seconded to enter into Executive Session at 11:28 a.m. for the purpose of discussing potential litigation. Heier, Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Heier seconded to exit Executive Session at 11:43 a.m. Workman, Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

11 ACTION ITEMS

A. Microcomputer Requests:

1. C#2005338, \$2,944.91 for a Laptop from Jail Diversion Grant Funds; and
2. C#2005341, \$9,309.96 from Engineer's GIS Budget for a Plotter

The Board agreed to hold the Microcomputer Request for a laptop until Schorr has a chance to talk with Travis Parker.

MOTION: Workman moved and Stevens seconded approval of the Microcomputer Request from the County Engineer and take it out of the GIS budget. Stevens, Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

13 ADMINISTRATIVE OFFICER REPORT

A. Commissioner Holiday Schedule

The Board agreed not to meet on Tuesday, December 27th, Thursday, December 29th, Tuesday, January 3rd and Thursday, January 5th.

B. Elected Officials Salary Committee

Eagan reported by State Statute, Elected Officials salaries are supposed to be set before January 15th. He said the last two salary periods a Salary Review Committee was formed and the last committee consisted of Pat Kahm, who won't be able to serve anymore, and several others. Eagan indicated he would contact all of the people that previously served on the Board and Steve Eicher as a replacement for Kahm, to see if they want to serve again.

C. Return of Sale on Surplus Property at North 27th Street and Highway 34

Eagan reported there were no bids for the surplus property at North 27th Street and Highway 34 and there is only one individual who wants to purchase the property. Eagan said he will send a letter to the person who is interested asking him for an offer in writing.

D. Scanner for Records Management

Thorpe reported Pillard is requesting the purchase of a large scanner to be able to do some large projects for Public Works. She said originally the scanner was \$23,600 and now it is \$14,000.

MOTION: Schorr moved and Stevens seconded to authorize Brian Pillard to purchase a scanner for Records Management at the reduced price. Stevens, Workman, Hudkins, Heier and Schorr voted aye. Motion carried.

E. Update on Motocross Grant Application

Eagan distributed documentation regarding a Resolution on the Motocross Grant Application (Exhibit F) that will go on Tuesday's agenda.

F. National Association of County Officials Prescription Program

Thorpe distributed documentation regarding the Lancaster Prescription Drug Discount Card (Exhibit G) and reported the NACo Prescription Cards are ready to be distributed, however they need a signed contract.

Hudkins suggested calling Tim Loewenstein, Buffalo County Supervisor.

Thorpe indicated there is an informational sheet that will go with the cards.

Workman said it needs to be emphasized that the insured and uninsured can use the discount cards.

G. Update on Purchase of Equipment for Peoples Health Center

Eagan reported the County Board needs to purchase the equipment under the Purchasing Act because the County is buying the equipment. He said Peoples Health Center has another list of items that they need that amount to \$50,000. He said they could put both contracts together since it will be used for General Assistance services.

15 DISCUSSION OF BOARD MEMBER MEETINGS

A. LPED Investors - Hudkins

Hudkins reported on the meeting last week but said they are happy about the investments they have been able to get because of no sales on business equipment.

B. Railroad Transportation Safety District Meeting - Schorr, Stevens, Workman

Workman reported they designated \$50,000 for a study at 1st & J Street where kids are trying to get over and under the tracks.

Schorr said the budget was also approved.

C. Joint Budget Committee - Workman, Stevens

Stevens reported there was a presentation from the Director of the Human Services Federation who has the contract for the community services initiative, whose charter is to determine needs of the community when it comes to human services. He said the Chamber of Commerce is involved and he believes the Chamber should recognize how much money Lincoln and Lancaster County invest in human services, which is about \$20 million a year.

D. Information Services Policy Committee - Stevens

Stevens reported the meeting was cancelled.

E. Monthly Meeting of County Board Chair, Vice Chair and Mayor - Hudkins, Schorr

Hudkins reported they asked about the M Class issue and the 137 employees that received a pay raise even though it was recommended that they just receive a cost of living increase. He also stated they are supposed to be receiving money from the State from the Transportation Act which will be used for engineering, right-of-ways, bypass and other road items.

F. Public Building Commission Chair, Vice Chair and Mayor - Hudkins

Hudkins reported they discussed security at the County-City Building and having restricted parking on K Street, but they didn't want further heightened security in the building.

G. Arena Task Force - Schorr

Schorr reported they reviewed a preliminary draft of their finding which is still confidential.

Workman asked if the Arena Task Force might want to listen to the presentation on the Lancaster Events Center.

Schorr said she wondered if the numbers from the presentation would be equally as strong should the facility be on the State Fairgrounds property. She noted she would take the handout, highlight some figures and offer it again to the Task Force.

H. Region V Governing Board Meeting - Schorr

Schorr reported they finalized the transition of F³ and the ICCU over to Region V. She also said Region V is going to provide 2 case managers to Family Drug Court and they have also added a housing division to help mentally ill people get into housing. Schorr also noted she got asked to serve on the Steering Committee that meets once a month.

I. Air Pollution Control Advisory Meeting - Hudkins

Trish Owen, Chief Deputy County Clerk, reported they are going to update the Community Noise Survey and what will be produced from the noise survey is a sound-level map. Also discussed was the ADM Settlement and the increased fees on the asbestos removal and burning permits.

J. Board of Health Meeting - Hudkins

Hudkins reported they discussed the ADM Settlement of \$61,000 and he said most of it will be spent on mobile testing equipment. He said they also talked about the Humane Society and their laws changing this year along with the fees.

ADJOURNMENT

MOTION: Stevens moved and Workman seconded to adjourn the meeting at 12:40 p.m. Stevens, Heier, Hudkins, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk